FINDING OF EMERGENCY

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing adoption of a regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1 and Public Resources Code Section 21080.

Description of Specific Facts Which Constitute the Emergency

Two adult *Diaprepes abbreviatus* (West Indian sugarcane root borer or Diaprepes root weevil), were detected October 11, 2005, from a residence located in Long Beach. On October 12, 2005, through visual inspection, another 11 adult Diaprepes root weevils were detected in outlying areas surrounding this residence. The number of adult Diaprepes root weevils detected is indicative of an incipient infestation existing in this area.

An emergency eradication response is necessary now to ensure the Diaprepes root weevil does not continue to multiply and spread to other uninfested areas of the State. Adult Diaprepes root weevils will continue emergence and although a strong flyer, generally only fly up to 300 meters to find suitable host material. The real threat of long distance spread is through the human assisted movement of infested plants or soil.

The Diaprepes root weevil was first detected in California on September 14, 2005, at a residence located in Newport Beach, Orange County. Through visual inspection, another 39 adult Diaprepes root weevils were detected in outlying areas surrounding this residence. As a result, the Department adopted two emergency regulations; 1) Section 3591.19, *Diaprepes abbreviatus* Eradication Area (effective September 28, 2005) and, 2) Section 3433, Diaprepes Root Weevil Interior Quarantine (effective October 3, 2005).

Diaprepes root weevil is a major destructive pest of citrus and many other commercial crops grown in Florida including ornamental plants and root crops. Diaprepes root weevil is a native of the Caribbean Islands where at least 19 additional *Diaprepes* species, not

currently detected in the U.S., are known to occur. Diaprepes root weevil was first detected in Florida in 1964 near the town of Apopka in Orange County. The weevil has now spread to parts of most agricultural areas outside of the original Apopka site. It is thought to have been introduced into Florida on ornamental plants imported from Puerto Rico.

While a widespread pest in Florida, the Florida Department of Agriculture and Consumer Services (FDACS) still considers it a quarantine pest of concern and requires all Florida nurseries to be free of the Diaprepes root weevil in order to ship intrastate or interstate. Infested nurseries are required to be under a compliance agreement that enables the nursery stock to move from the nursery once all the conditions in the agreement are met. These conditions may include removal of plants from growing media, shipping plants bare-root, or the application of approved chemical treatment.

Diaprepes root weevils have been recently detected in the Texas Rio Grande Valley. As a result, the Texas Department of Agriculture also adopted an interior quarantine against the weevil and is also conducting an eradication program.

In Florida, adult weevils may emerge from the soil throughout the year. However, there are two peak emergence periods of adult activity in the spring (May-June) and fall (August-September). Mating and egg-laying occur throughout this period. Eggs are generally laid in clusters of from 25 to 250 between mature leaf surfaces held together by an adhesive produced by the adult female. These eggs can also be laid on a single leaf, by folding parts of the leaf to cover the egg mass. A single female may lay as many as 5,000 eggs during her life of three to four months.

The eggs hatch in 7-10 days after they are laid. The larvae drop to the ground, burrow into the soil, and begin to feed on fibrous roots of host plants, moving to larger roots as they mature. The length of time spent in the larval and pupal stages varies from several months to more than a year. After a period of feeding, the larvae pupate in the soil, emerging later

as adults. The total life cycle of any single weevil may last from six to 15 months resulting in multiple overlapping generations.

There is no comprehensive estimate of the total economic losses caused by the weevil to the environment and the agricultural industry in Florida. The current estimate for damage caused by the Diaprepes root weevil in Florida is approximately $70 million per year. For individual citrus growers, Diaprepes root weevil can result in a total loss. According to FDACS, over 30,000 acres of citrus in 23 counties are currently known to be infested. For ornamentals, root crops, and tropical fruit more than 1,000 acres in two counties are known to be infested. Grower returns have been negatively affected by both reduced yields and increased production costs. Without adequate control measures, this pest can render a citrus grove operation non-profitable.

Adult Diaprepes root weevils feed on young, tender, citrus foliage and occasionally on fruit. The primary economic damage is caused by larvae feeding on roots and the crown area. A few large larvae can girdle and render a mature, healthy citrus tree non-productive. This behavior apparently makes Diaprepes root weevils unique among the citrus root weevil species found in the U.S. Additionally, combination of other root-debilitating factors such as Phytophthora root rot, nematodes and/or moisture stress can hasten decline of an infested tree.

Adult and larval Diaprepes root weevils also attack ornamental trees and agronomic root crops. Some crops may show only adult feeding damage and others are fed on only by larvae. The presence of adult Diaprepes root weevils is indicated by irregular semicircular feeding areas on the leaf edges of ornamental crops, similar to citrus. Adult weevil injury can also be observed on palm flowers as well as roots. It is suspected that the spread of this pest to California's date production areas would also have a negative economic impact on that industry. Adults are generally found on plants at the time of leaf flushing but can also be found continuously on ornamental trees with permanent tender foliage.

Phytophthora spp. root rot organisms commonly infect the margin of larval feeding sites in the root bark. This may cause girdling of large structural roots and accelerated tree decline on *Phytophthora* susceptible and moderately resistant rootstocks.

Many ornamental trees support advanced larval injury before external symptoms (leaf yellowing, wilting, and defoliation) are observed. Other hosts, such as oaks, appear to be susceptible to root-debilitating factors such as Phytophthora root rot following larval feeding. In California, Phytophthora root rot already contributes significantly to the mortality of urban and rangeland oaks.

Crops with a succulent root system, fleshy roots, or tubers (Cassava, malanga, potatoes) can tolerate several larvae before any external symptoms appear. Damage to root crops in Florida is manifested by shallow to deep larval feeding on fleshy roots or tubers. This may eliminate the damaged crops from being sold on the fresh market.

The Diaprepes root weevil has the capability of causing significant irreparable harm to California's agricultural industry and environment. While the Department's compliance with the Administrative Procedure Act and the California Environmental Quality Act (CEQA) are separate actions, they can be interrelated. Although adoption of specific regulatory authority can be the beginning of a project and therefore covered by CEQA, this is a ministerial action for an emergency and an action also for the protection of natural resources and the environment by a regulatory agency and is therefore exempt from the requirements of the CEQA statutes, under PRC Section 21080, and under Sections 15268, 15307 and 15308 of the CEQA Guidelines. Prior to initiating any specific treatment activities related to the eradication of this significant quarantine pest, the Department shall conduct a site specific evaluation of the area to be treated and determine it is either in compliance or exempt from the requirements of CEQA.

The Department has also determined that to ensure it conducted the most efficient and effective eradication project with the greatest chances of success, eradication activities will need to begin as soon as possible.

The proposed emergency amendment of Section 3591.19(a) would establish Los Angeles County as the eradication area for Diaprepes root weevil. The entire county is being proposed as an eradication area since future detection surveys may result in finds of additional small Diaprepes root weevil infestations outside the current affected area. To enable rapid treatment of newly discovered small infestations without frequent amendment of the regulation, the entire county should be established as an eradication area.

The effect of the amendment of this regulation will be to implement the State's authority to perform control and eradication activities against Diaprepes root weevil in Los Angeles County. Any eradication or control actions undertaken by the Department will be in cooperation and coordination with federal, city, county, and other state agencies as deemed necessary by the Department to ensure no long-term significant public health or environmental impacts. To prevent the spread of the Diaprepes root weevil to non-infested areas in order to protect California's agricultural industry and environment, it is necessary to begin eradication activities against the Diaprepes root weevil immediately. Therefore, it is necessary to amend this regulation as an emergency action.

Authority and Reference Citations

Authority: Sections 407 and 5322, Food and Agricultural Code.
Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code.

Informative Digest

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.19. Diaprepes Abbreviatus Eradication Area

The amendment of Section 3591.19(a) will add Los Angeles County to the eradication area with respect to Diaprepes root weevil. The proposed amendment of the regulation will also establish the possible carriers and the means and methods that may be used to eradicate Diaprepes root weevil within Los Angeles County. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against Diaprepes root weevil in Los Angeles County.

Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that the proposed amendment of Section 3591.19(a) does not impose a mandate on local agencies or school districts and no reimbursement is required under Section 17561 of the Government Code.

Cost Estimate

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code, funds for reimbursement for costs to local agencies have already been appropriated, and no costs or savings in federal funding to the State.